

FAS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA


UNITED STATES OF AMERICA,

Plaintiff,

V.

Mark ESQUIBEL,

Defendant.

BY:  Magistrate Case No. _____ DEPUTY

COMPLAINT FOR VIOLATION OF

**Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation**

The undersigned complainant being duly sworn states:

On or about **April 9, 2008**, within the Southern District of California, defendant **Mark ESQUIBEL**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Lucia ALEJO-Diaz**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11th DAY OF
April, 2008.

Antone Bowles
UNITED STATES MAGISTRATE JUDGE

FAS

PROBABLE CAUSE STATEMENT

The complainant states that **Lucia ALEJO-Diaz** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 9, 2008, at approximately 2054 hours, **Mark ESQUIBEL (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry as the driver and sole visible occupant of an orange 1992 Toyota Camry. A Customs and Border Protection (CBP) Officer received a negative declaration from Defendant. The CBP Officer received a computer generated referral and escorted the vehicle into secondary for further inspection.

In secondary, one female was found concealed in a non-factory compartment under the driver and front passenger seat of the vehicle. CBP Officers had to fold the seats forward and lift them in order to free the concealed female. The female was determined to be a citizen of Mexico without legal documents to enter the United States and is now identified as: **Lucia ALEJO Diaz (Material Witness)**.

During a videotaped proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant denied knowledge of the concealed alien. Defendant admitted he was driving the vehicle as a favor for an unknown female and was instructed to abandon the vehicle at the .99 Cent store in San Ysidro, California.

On separate videotaped interview, Material Witness declared she is a citizen of Mexico without legal rights to enter the United States. Material Witness stated she was going to pay approximately \$4000.00 USD to be smuggled into the United States and that her husband made the arrangements. Material Witness stated she was en route to Escondido, California to be with her husband and to seek employment. Material Witness was treated for first and second degree burns on her back she suffered while concealed in the compartment.